

## PROCUREMENT ADVISORY No. 91 D

### Review of Advisory and Assistance Services and All Professional Services

#### 1. PURPOSE

This Advisory establishes a procedure for departmental oversight of proposed contracting actions for advisory and assistance services and all professional services exceeding \$500,000. This includes new awards with a **total** value exceeding \$500,000; however, requisitions regardless of dollar value for modifications and orders against contracts that have prior approval are considered approved and do not need to be re-submitted. Modifications and orders exceeding \$500,000 that are placed against contracts that have not been approved must be submitted for review. Revision D changes the reviewing official to ultimately the Office of the Secretary in accordance with the Acting Deputy Secretary Michael L. Young's January 23, 2017 memorandum entitled "Interim Procedures".

#### 2. AUTHORITY

This advisory is issued pursuant to the aforementioned Acting Deputy Secretary Michael L. Young's January 23, 2017 memorandum, entitled "Interim Procedures," as well as the Agriculture Acquisition Regulation (AGAR), Department of Agriculture Supplement to the Federal Acquisition Regulation (FAR), 48 CFR 401.371.

#### 3. DEFINITIONS

a) "**Advisory and assistance services**," is fully defined in the Federal Acquisition Regulation (FAR) Subpart 37.2 and Subpart 2. These are services provided under contract by non-governmental sources to support or improve:

- Organizational policy development;
- Decision-making;
- Management and administration;
- Program and/or project management and administration; and/or
- Research and development (R&D) activities;
- Information technology services that are an integral part of a contract for the acquisition of advisory and assistance services.

"Advisory and assistance services" can also mean the furnishing of professional advice or assistance rendered to improve the effectiveness of Federal management processes or procedures (including those of an engineering and technical nature) and may take the form of information, advice, opinions, alternatives, analyses, studies, evaluations, recommendations, training, and the day-to-day aid of support personnel need for the successful performance of ongoing Federal operations. Included are efforts that support or contribute to improved organization of program management, logistics management, project monitoring and reporting, data collection, budgeting, accounting, performance auditing, and administrative technical support for conferences and training programs. Also included are contracted services that provide organized, analytical assessments/evaluations in support of policy development, decision-making, management, or administration, and acquisitions of models, methodologies, and related software supporting studies, analyses or evaluations.

"Advisory and assistance services" **do not include**:

- Routine information technology services unless they are an integral part of a contract for the acquisition of advisory and assistance services;
- Architectural and engineering services as defined in the Brooks Architect-Engineers Act (40 U.S.C. 1102);
- Research on theoretical mathematics and basic research involving medical, biological, physical, social, psychological, or other phenomena.

“Advisory and assistance services” **shall not be:**

- Used in performing work of a policy, decision-making, or managerial nature which is the direct responsibility of agency officials;
- Used to bypass or undermine personnel ceilings, pay limitations, or competitive employment procedures;
- Contracted for on a preferential basis to former Government employees;
- Used under any circumstances specifically to aid in influencing or enacting legislation;
- Used to obtain professional or technical advice which is readily available within the agency or another Federal agency.

b) “**Professional Services**” include professional, scientific, and technical activities requiring a high degree of expertise and training. The North American Industry Classification System (NAICS) defines Professional Services as: activities that include legal advice and representation; accounting, bookkeeping, and payroll services; architectural, engineering, and specialized design services; computer services; consulting services; research services; advertising services; translation and interpretation services; and other professional, scientific, and technical services. This includes information technology services and support, and software licenses and support for purposes of this Advisory.

c) “**Requesting Activity**” means the program unit within the Agency or staff office that has the need for the advisory and assistance service or professional service.

#### 4. RESPONSIBILITIES

a) **Requesting Activities**, through their Head of Contracting Activity Designee (HCAD), shall submit the information required in the template (Attachment A) prior to any proposed award for advisory and assistance services or professional services exceeding \$500,000. Additionally, please provide the Statement of Work or other requirements document and, as applicable, any associated Acquisition Plan, approved IT Acquisition Approval Request (AAR), Independent Government Cost Estimate, and **USDA** Small Business Program - Procurement Request Review (Form AD-1205). The HCAD is responsible for submitting the required documentation, with signatures on Attachment A, to the Chief, Procurement Policy Division (PPD). All submissions shall be emailed to [procurement.policy@dm.usda.gov](mailto:procurement.policy@dm.usda.gov).

b) **Chief, Procurement Policy Division (OPPM/PPD)** is responsible for reviewing the submission for completeness and routing the documentation to the Senior Procurement Executive, Office of the Assistant Secretary for Administration, and Office of the Secretary for review. If information technology services are an integral part of the acquisition pertaining to the AASR, the Associate Chief Information Officer will need to review and approve prior to the Senior Procurement Executive’s review. Approval of AASRs which contain information technology services will not be considered until OCIO approval is provided. The PPD Chief will notify the HCAD when the review is complete or will request additional information from the activities for action or resubmission, if needed. **No award shall be made prior to completion of this review process.**

## 5. SUBMISSION DEADLINES

Initial submission of a proposed contract award under this procurement advisory should be submitted as soon as identified and, at a minimum, 30 business days prior to any proposed award. Agencies are encouraged to submit this information as early in the acquisition planning process as possible.

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Procurement Advisories are issued by the Procurement Policy Division of the Office of Procurement and Property Management, Departmental Management, USDA, and posted on the World Wide Web at <http://www.dm.usda.gov/procurement/policy/advisories.html>. If you have questions or comments regarding this advisory please send an email message to [procurement.policy@dm.usda.gov](mailto:procurement.policy@dm.usda.gov).

**EXPIRATION DATE:** Effective upon issue date until canceled.

[END]

## Attachment A

### ADVISORY AND ASSISTANCE SERVICES ALL PROFESSIONAL SERVICES

<b>Project Name:</b>	
<b>Agency/Office:</b>	Name:
	Address:
<b>Agency Point of Contact:</b>	Name:
	Email Address:
	Telephone Number:
<b>Contracting Officer:</b>	Name:
	Email:
	Telephone Number:

**Please include the following information:**

**1. Description:** Please include a description of the planned acquisition including major deliverables/services, and the name of the Agency program/project supported by the acquisition.

**2. Amount:** List the Estimated Dollar Amount (inclusive of all options).

**3. Funding:** Provide proposed funding method including fund type and year of funds.

**4. Schedule:** Provide the period of performance, delivery schedule and estimated award date. Include option periods, quantities or items, if applicable.

**5. Contracting Method:**

(a) **Solicitation type** (e.g., sealed bid (IFB), negotiated (RFP), request for proposals under a multiple award contract or Federal Supply Schedule, interagency agreements).

(b) **Small Business Program Considerations:**

(i) Include information on small business set-asides and programs considerations (e.g., 8(a) competitive, 8(a) non-competitive, small business set-aside, HubZone set-aside, Service Disabled Veteran owned small business, women-owned small business, etc.).

(ii) If the acquisition was unrestricted, provide a rationale and address market survey(s) conducted.

(iii) Has Office of Small and Disadvantaged Business Utilization (OSDBU) approval form AD-1205, "USDA Small Business Program - Procurement Request Review" been completed, if required? If yes, attach a copy of the signed form.

(c) **Extent of competition** (e.g., full and open competition, full and open competition after exclusion of sources, other than full and open competition pursuant to FAR Subpart 6.3, competition under Federal Supply Schedule, sole source set-aside, brand name specified under FSS, GWAC, multiple award or other indefinite delivery type contracts.)

11.105. (i) For brand name specific order, attach a copy of the justification as required by FAR  
(ii) For other than full and open competition pursuant to FAR Part 6.3, attach a copy of the approved justification for other than full and open competition.

(iii) For a sole-source procurement, include a separate sole-source statement explaining why there is no other source capable of providing the required services.

(iv) Performance Based: If the contract is not performance based, provide a rationale.

(d) **Contract Type** (see FAR part 16) including pricing structure.

(e) **Contract Users/Ordering Offices**: Identify authorized contract users. For indefinite delivery type contracts, identify authorized ordering offices.

**6. Determination**: Has the determination required by FAR 37.204, regarding availability of personnel, been made?

**7. Conflict of Interest**: Include a brief statement regarding any possible basis, or lack thereof, of a conflict of interest or appearance of a conflict of interest.

**8. Continuing Requirement**: If the acquisition is a continuing requirement, what is the current contract/order number(s), contractor(s) name and address and expiration date(s)?

**9. Other Issues**: Include any other acquisition issues of note.

**SUBMITTED FOR REVIEW:**

\_\_\_\_\_  
Signature  
Name (Type or Print):  
Program Manager / Project Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature  
Name (Type or Print):  
Contracting Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature  
Name (Type or Print):  
HCA or HCAD

\_\_\_\_\_  
Date